

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILIP BERRYMAN,

Plaintiff,

v.

GEORGE STEPHENSON,
KRISTOPHER STEECE,
REGINA JENKINS-GRANT,
FRANK SGAMBATI,
ALAN GREASON,
JENNIFER TORRES,
TERRY PLEWS,
PAUL DAVIS,
JOHN CRAWFORD,
CHRISTOPHER PATRICIO,
JENNIFER ELROD,
NICOLE CALLOWAY,
KIM FARRIS,
YUSSAF SHAFU,
WILLIAM BRIDGES,
RENATA PATTON,
LAURA S. HEINRITZ,
EBONY NENROD,
RICKEY COLEMAN,
MONA GOLSON,
CARMEN MCINTYRE-LEON, and
NORBERT FRONCZAK,

Defendants.

Case No. 21-10925

District Judge Laurie J. Michelson

Magistrate Judge Patricia T. Morris

**ORDER ADOPTING REPORT AND RECOMMENDATION [47] AND
DENYING PLAINTIFF'S MOTION TO STRIKE [43]**

In this case, Philip Berryman has sued over 20 defendants. Most of them work for the Michigan Department of Corrections and are represented by the Michigan Attorney General. But two defendants, Kim Farris and Rickey Coleman, work for

Corizon Health and are represented by the Chapman Law Group. Berryman believes that when Chapman Law filed an answer on behalf of Farris and Coleman, the firm also asserted defenses on behalf of the defendants who work for the MDOC. Berryman also believes that there are other problems with Farris and Coleman's answer to his complaint, including that one of the Chapman Law attorneys, Jeffrey Bomber, has a conflict of interest. So Berryman filed a motion to strike Farris and Coleman's answer. (ECF No. 43.)

Berryman's motion, along with all other pretrial matters, was referred to Magistrate Judge Patricia T. Morris. Magistrate Judge Morris recommends that Berryman's motion to strike be denied. (ECF No. 47.) Berryman objects. (ECF No. 51.)

Berryman's objections will be overruled, and the Court will adopt Magistrate Judge Morris report and recommendation. Aside from issues addressed elsewhere (e.g., that this Court ruled on the MDOC Defendants' motion to dismiss before receiving Berryman's response brief), and issues that are frivolous (objections to standard language in the Magistrate Judge's scheduling order), Berryman takes issue with two aspects of Farris and Coleman's answer.

For one, he says that Bomber raised affirmative defenses on behalf of defendants represented by the Michigan Attorney General. (ECF No. 51, PageID.902.) That is not correct; although the affirmative defenses use the broad word "Defendants" the document is titled "Defendants Rickey Coleman . . . and Kim Farris[]" Affirmative Defenses." (ECF No. 35, PageID.584.)

Berryman also claims that Farris and Coleman’s answer inappropriately uses a “general denial,” *see* Fed. R. Civ. P. 8(b)(3), and “leaves unclear whether they admit or deny any of the factual components of the allegations in the Plaintiff’s Verified Complaint.” (ECF No. 51, PageID.904.) That is just not so; Farris and Coleman’s answer includes numbered paragraphs that correspond to the numbered paragraphs in the complaint, and each paragraph expressly denies or otherwise answers each paragraph of the complaint. (*See generally* ECF No. 35.) As the Magistrate Judge correctly stated, “The only instances where Coleman and Farris arguably do not fairly respond to the substance of Berryman’s allegations are where they assert that they need not respond to Berryman’s legal conclusions. However, every time Coleman and Farris assert that they need not respond to a legal conclusion in Berryman’s complaint, they also deny each legal conclusion in the alternative.” (ECF No. 47, PageID.870.)

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In short, the Court **OVERRULES** Berryman’s objections (ECF No. 51), **ADOPTS** the report and recommendation (ECF No. 47), and **DENIES** Berryman’s motion to strike (ECF No. 43).

SO ORDERED.

Dated: July 22, 2022

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE